

REMARKS

New declarations are being submitted to show that applicant's invention was conceived prior to Bradford et al.'s July 17, 2001 filing date and that there was reasonable diligence from prior to the July 17, 2001 filing date until applicant's invention was constructively reduced to practice on January 7, 2002.

First, Kimberley A. DiMino, the Intellectual Property Supervisor at IGT, the assignee of the present application, has submitted a declaration setting forth facts which show diligence. These facts occurred between July 5, 2001 (prior to Bradford et al.'s filing date), when a patent request submitted by the inventor Rakesh Bhakta was printed at IGT, and January 2, 2002, when Ms. DiMino forwarded to outside counsel for applicant, the executed patent application for filing.

Ms. DiMino's declaration shows that there was diligence from July 5, 2001 (which is prior to Bradford et al.'s filing date) to August 22, 2001. As pointed out by Ms. DiMino, the assignee, IGT, is a large corporation, listed on the New York Stock Exchange under the stock symbol IGT. IGT is headquartered in Reno, Nevada and also has an office in Las Vegas, Nevada where the inventor is located. IGT has a patent review committee which meets once a month. One of the purposes of the patent review committee is to review invention disclosures and decide if patent applications should be filed.

Applicant's patent request was submitted as soon as possible in July 2001, for review by the patent review committee. The committee met in the latter part of July 2001 and approved the preparation of a patent application for the invention. One of the in-house patent attorneys at IGT was notified, and on August 22, 2001, she sent to one

of IGT's outside counsel, a fax comprising a letter and including a copy of the patent request for review.

The invention was reviewed by Garrettson Ellis, one of the outside patent attorneys. As shown by Ms. DiMino's declaration and by the Supplemental Declaration of Garrettson Ellis, Mr. Ellis was diligent in drafting the patent application concerning the invention.

The Examiner raises a question with respect to the statement in Mr. Ellis' original declaration: "I believe I took it up in proper order." In his Supplement Declaration, Mr. Ellis points out that he considers "proper order" in taking up patent applications to be roughly the order in which the invention disclosure is received for preparation of the application. Ordinarily he prepares patent applications in approximately the sequential order that the invention disclosures are received by him. In addition to preparing the applications, he prosecutes such applications including preparing responses to Office Actions.

In his Supplemental Declaration, Mr. Ellis brings out how during the months of September 2001 and October 2001, he had a heavy docket with numerous patent applications and amendments to prepare. He did not delay the preparation of the instant patent application. Reviewing Mr. Ellis' attached Supplemental Declaration will make it clear to the Examiner that Mr. Ellis was diligent in the preparation of the present patent application.

The Examiner raises an issue with respect to the time gap between the applicant receiving the revised patent application (including the declaration), signing it, and sending it back to the attorney. This is explained in detail in paragraphs 13, 14 and 15

of Ms. DiMino's declaration. The Examiner's attention is directed to those paragraphs which make clear that there was reasonable diligence from the time the applicant received the application papers to the time that the application papers were returned to counsel and filed.

It can be seen that a careful review of Mr. Ellis' original declaration, his Supplemental Declaration, and the Declaration of Ms. DiMino, show that there was reasonable diligence by applicant of the present invention, prior to Bradford et al.'s filing date and up until applicant's filing date which is considered a constructive reduction to practice. It can be seen that a sincere effort has been made in the declaration and these remarks to overcome any questions by the Examiner regarding diligence, and the Bradford et al. patent should be withdrawn as a reference.

It is requested that the remaining claims be allowed and the application be passed to issue at an early date.

Respectfully submitted,
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Registered Attorney for Applicant
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